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August 21, 2023

**BY ECF & ELECTRONIC MAIL**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007  
[ALCarterNYSDChambers@nysd.uscourts.gov](mailto:ALCarterNYSDChambers@nysd.uscourts.gov)

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Re: *In re: Term Commodities Cotton Futures Litig.*, 12-cv-5126 (ALC) (JEW) (S.D.N.Y.)

Dear Judge Carter:

As an attorney for Plaintiffs, I am respectfully submitting this letter pursuant to Section 1.D of Your Honor's Individual Practices in order to request a three (3) business day extension—from Wednesday, August 23 until Monday, August 28—in the time for Plaintiffs to submit their papers opposing Defendants' motion seeking to reopen discovery. ECF No. 691. Defendants do not oppose the requested extension and no previous requests to extend this deadline have been made. The requested extension will not affect any other scheduled dates.<sup>1</sup>

As reasons for the requested extension, Plaintiffs respectfully state as follows. On August 9, 2023, the Court granted Defendants leave to submit a motion requesting discovery be reopened so Defendants may send a subpoena to ICE Futures U.S. ("ICE") that seeks the "unmasked" identities of large traders in ICE Cotton No. 2 futures contracts. ECF No. 694, pp. 45-48 (Transcript of August 9, 2023 hearing). The Court directed Defendants to file their motion by Friday, August 18, 2023 and directed Plaintiffs to respond by Wednesday, August 23, 2023. *Id.*

On August 18, Defendants filed their motion, memorandum of law and an attorney declaration. ECF Nos. 698-700. However, in addition to requesting leave to issue a subpoena to ICE concerning the identities of the large traders, Defendants' motion also seeks leave to request certain arbitration-related information from ICE. *See, e.g.*, ECF No. 699, pp. 11-13. Plaintiffs believe they need additional time in order to respond to the further relief Defendants now seek.

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<sup>1</sup> Defendants requested that Plaintiffs include in this letter Defendants' position that, pursuant to Local Rule 6.1, Defendants believe they are permitted to submit a reply brief within two days after service of Plaintiffs' response (*i.e.*, Wednesday, August 30 if Plaintiffs' requested extension to August 28 is granted). Plaintiffs' position is that no reply is permitted because the Court's August 10 Order provided only for a motion and a response and did not schedule any reply. ECF No. 691, p. 2. In contrast, the August 10 Order did provide for and schedule a reply with respect to the Glencore intervention motion. *Id.*

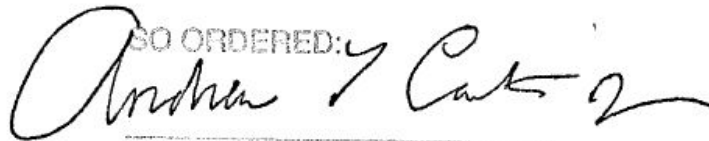
Separately, one of the attorneys primarily responsible for responding to Defendants' motion had a death in the family Friday evening after Defendants' motion was filed. Plaintiffs respectfully request additional time to respond to Defendants' motion for this reason as well.

Thank you very much.

Respectfully submitted,  
*/s/ Christopher M. McGrath*  
Christopher McGrath

cc: Counsel of Record (by ECF)

Plaintiff's application is **GRANTED**. Plaintiff's response is due **August 28, 2023**. Defendant's reply, if any, is due **August 30, 2023**.

SO ORDERED:  
  
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HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

**Dated: August 21, 2023.**